

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact upon the Existing)
Television Broadcast Spectrum)

To: The Commission

**PETITION OF APCO FOR
PARTIAL RECONSIDERATION OF SIXTH REPORT AND ORDER**

The Association of Public-Safety Communications Officials-International, Inc. ("APCO"), by its attorneys, hereby seeks partial reconsideration of the Commission's Sixth Report and Order in the above-captioned proceeding, released April 21, 1997, 62 Fed. Reg. 26684 (May 14, 1997). While APCO strongly supports the basic decision in the Sixth Report and Order, the Commission needs to reconsider its allotment therein of fifteen digital television (DTV) stations in TV channels 60-69 (746-806 MHz).

APCO is the nation's oldest and largest public safety communications organization, with over 12,000 members involved in the management and operation of law enforcement, fire, emergency medical, and other vital public safety communications systems. APCO is the FCC's certified frequency coordinator for the Part 90 Police Radio Service, Local Government Radio service, and for all 800 MHz public safety channels. APCO appears frequently before the Commission and other government bodies on a wide range of

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communications matters of particular concern to state and local government public safety agencies, and has filed comments and reply comments in this proceeding.

APCO applauds the Commission's decision in the Sixth Report and Order to adopt a DTV channel plan which avoids use of channels 60-69 (746-806 MHz), and sets the stage for a reallocation of at least 24 MHz of that spectrum for public safety communications. The Commission recognized in the Sixth Report and Order that police, fire, EMS, and other public safety agencies throughout the nation face severe frequency congestion, lack adequate communications interoperability, and are unable to implement many new public safety communications technologies due to the lack of spectrum allocated for public safety use. These spectrum needs were documented by the Public Safety Wireless Advisory Committee ("PSWAC"). A key recommendation of PSWAC was that the Commission immediately reallocate 24 MHz of spectrum from the 746-806 MHz band for public safety use within the next five years. The Sixth Report and Order takes the first step towards making that recommendation a reality.

There is, however, one aspect of the Commission's action in the Sixth Report and Order which requires reconsideration. While the Commission attempted to avoid making DTV channels allotments in channels 60-69, there are 15 such allotments in specific markets around the country. Where such an allotment exists, that channel will not be available for use by non-broadcast services, including public safety, until the end of the DTV transition.

The most severe situation is in Southern California, where the Commission has allotted six DTV stations in channels 60-69 (Los Angeles, chs. 60, 65, 66, 68; Riverside,

ch. 69; San Bernardino, ch. 61), and which already has four NTSC stations in channels 60-69. Nearly all of the 746-806 MHz band is or will be encumbered as a result, forcing public safety agencies in most parts of Southern California to wait until the end of the DTV transition to utilize reallocated spectrum. Yet, Southern California is one of the most spectrum-congested areas of the nation. Public safety agencies throughout the region need additional spectrum immediately for basic radio communications and to implement new critical public safety communications.

While Southern California has the most serious DTV allotment problem, the Commission also needs to reconsider its channel 60-69 DTV allotments in Philadelphia (three, including Vineland, NJ), Allentown, PA (which impacts the New York/Philadelphia corridor), Newark, NJ, and Northern California (San Francisco, Sacramento, and Stockton). These allotments could delay use of a portion of the 24 MHz to be allocated for public safety in these metropolitan areas, depending upon the specific frequencies to be reallocated.

The Commission should explore all potential methods for eliminating these DTV allotments in channels 60-69. This could be accomplished by modifying the allotment formula to increase the "penalty" for a channel 60-69 allotments. The Commission should also examine the impact of terrain shielding, which may allow greater channel reuse, especially in mountainous regions. Finally, the Commission should consider provisions that will result in broadcasters relinquishing their channel 60-69 DTV allotments at an


earlier date, at least where those allotments are in or near major metropolitan areas and would prevent public safety use of reallocated spectrum.¹

The Commission has taken an important and bold step toward meeting some of the most critical spectrum shortages facing public safety agencies throughout the country. However, some metropolitan areas are being left behind, and will be unable to utilize all of the newly reallocated spectrum until the end of the DTV transition. APCO urges the Commission to reconsider its allotment plan to further reduce or, if possible, eliminate, DTV allotments in channels 60-69.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.

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¹ See Petition for Reconsideration of the County of Los Angeles.